

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

NOEL EXINIA, §
Petitioner, §
§
V. § CIVIL ACTION NO. B-08-112
§ CRIMINAL NO. B-05-083-1
UNITED STATES OF AMERICA, §
Respondent. §

ORDER

On January 13, 2011, the United States Magistrate Judge filed a Report and Recommendation [Doc. No. 78] recommending that Petitioner Noel Exinia's Motion for Disclosure of Grand Jury Materials [Doc. No. 72] be **DISMISSED for lack of jurisdiction**. Petitioner has objected to said report and recommendation [Docket No. 85]. Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Magistrate Judge's Report and Recommendation should be **ADOPTED**.

Having considered *de novo* the Magistrate Judge's report and recommendation and the issues raised by Petitioner's objections, the Court hereby **ADOPTS** the Magistrate Judge's Report and Recommendation [Doc. No. 78], Petitioner Noel Exinia's Motion for Disclosure of Grand Jury Materials [Doc. No. 72] is **DISMISSED for lack of jurisdiction**, and **DENIES** the issuance of a Certificate of Appealability.

Signed this 3rd day of March, 2011.



Andrew S. Hanen
United States District Judge